

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Christopher Rhyne

446 Starbrook Road
Smoaks, South Carolina 29481.

File Number 2003-117165

**Default Order Revoking
Resident Insurance Agent's
License**

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (2002), by the State of South Carolina Department of Insurance upon Christopher Rhyne, by both certified mail, return receipt requested, and by regular mail on 4-07-03.

That letter informed Christopher Rhyne of his right to request a public hearing upon the allegations of impropriety contained within the letter against him. The letter further warned that his failure to make a timely, written request would result in my summary revocation of his license to do business as a resident insurance agent within the State of South Carolina.

Despite that warning, Mr. Christopher Rhyne has failed to respond to the Department's letter. Our Department received the Return-Receipt Card from the United States Postal Service confirming delivery of our letter, and signed by respondent on 4-12-03. On May 14, 2003, therefore, counsel for the Department filed an Affidavit of Default, and the entire matter was submitted directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as a resident insurance agent within the State of South Carolina for Monumental Life Insurance Company, Christopher Rhyne failed to turn-over or satisfactorily account for an amount of at least \$1,851.65 in insurance premiums collected from citizens of this State.

Section 38-43-130 of the South Carolina Code provides the Director or his designee "may revoke or suspend an agent's license after ten day's notice...when it appears that an agent...has violated this title or any regulation promulgated by the department, or has willfully deceived or dealt unjustly with the citizens of this State." This Code Section goes on within Subsection (3) to describe "deceived or dealt unjustly with the citizens of this State" specifically to include, "failing to transmit promptly or pay all or a portion of the amount of an insurance premium when the agent...has received payment from a customer or insured."

In accordance with my findings of fact, and considering Christopher Rhyne's failure to avail himself of his opportunity to be heard, I now conclude, as a matter of law, that Mr. Rhyne violated S.C. Code Ann. § 38-43-130(3) (2002) and that his resident insurance agent's license should be revoked.

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's, *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2002). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110(3) (2002), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that the license of Christopher Rhyne to do business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked, and that no license issued through the State of South Carolina Department of Insurance is to be issued to him.

It is further ordered that a copy of this order shall be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Christopher Rhyne is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance agent within the State of South Carolina.

This order becomes effective as of the date of my signature below.

A handwritten signature in black ink, appearing to read "E. N. Csiszar", with a long horizontal flourish extending to the right.

Ernst N. Csiszar
Director

14 May 2003, at
Columbia, South Carolina

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SCDOI File Number 2003-117165

Affidavit of Default

Personally appeared before me T. Douglas Concannon, who, being duly sworn, stated that at all times relevant to this Affidavit of Default he was an attorney representing the State of South Carolina Department of Insurance in this administrative action. He further stated the following:

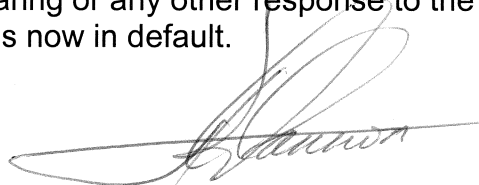
The Department served notice on Mr. Christopher Rhyne at the address detailed above by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department would request the Director of Insurance to summarily revoke his license to act as a resident insurance agent within the State of South Carolina in thirty days. The Department served the Notice, pursuant to § 38-3-170 of the South Carolina Code, by "depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested." That Notice further informed Mr. Rhyne of his opportunity, within thirty days, to request in writing a public hearing.

The United States Postal Service effected service of the Notice by certified mail, return receipt requested, and by regular mail, on or about April 12, 2003. Christopher Rhyne has made no request for a public hearing or any other response to the Notice. The time in which to do so has expired. He is now in default.

Sworn to and subscribed before me
this 14 day of May, 2003.



Steven R. DuBois
Notary Public for the State of South Carolina
My Commission Expires May 10, 2009



T. Douglas Concannon
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